

Application Number:	P/FUL/2022/02416		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Mushroom Farm Cow Lane Poyntington Sherborne DT9 4LF		
Proposal:	Erect 2 No. dwellings (Class C3), new vehicular accesses and associated works. Demolish existing agricultural buildings and polytunnels.		
Applicant name:	Hopkins Estates Ltd		
Case Officer:	Steven Banks		
Ward Member(s):	Cllr Robin Legg		
Publicity expiry date:	29 August 2023	Officer site visit date:	N/A
Decision due date:	27 October 2023	Ext(s) of time:	27 October 2023
No of Site Notices:	2		
SN displayed reasoning:	One located on telegraph pole at the front of the site and one on metal fencing.		

1.0 Reason for Consideration at Committee

Service Manager for Development Management and Enforcement referral to Planning Committee in light of the committee referral requests made by Dorset Council members and noting concerns raised by the Parish Council.

2.0 Summary of recommendation:

Recommendation A: GRANT, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- Secure a 0.9ha woodland managed in the long term
- Monitoring fee of £1,510

And the conditions (and their reasons) listed at the end of the report.

Recommendation B; Refuse permission for failing to secure the obligations above the agreement is not completed by (31 August 2024) or such extended time as agreed by the Head of Planning.

3.0 Reason for the recommendation:

The proposed development would provide a betterment over and above the fallback of the Class Q prior approval which has been previously approved on this site for the conversion of the barn.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The principle of development, by reason of the location of the application site, in the countryside, and the proposed construction of dwellings, is not supported by policy SUS2. However, residential development has been approved under permitted development allowances to convert the barns to dwellings. It is considered that the the proposal would provide a betterment over and above the extant development granted under P/PAAC/2021/05205.</p>
Nutrient Neutrality	<p>In order to address the Somerset Levels and Moors SPA and Ramsar being in an unfavorable condition it is necessary to provide mitigation. In this case an area of woodland planting and package treatment plants for the dwellings is proposed. This ensures that the proposals would not adversely affect the protected area.</p>
Biodiversity	<p>The proposed biodiversity mitigation measures would ensure that biodiversity would not be harmed.</p>
Character and appearance	<p>The proposed dwellings, by reason of their design, mass and scale, would be visually attractive and sympathetic to local character.</p> <p>In the interest of the character and appearance of the area, it is recommended that conditions, relating to landscaping and materials, should be imposed on any permission.</p>
Living conditions	<p>Occupiers of the proposed and existing dwellings would not be subject to an overbearing effect, which would harm their residential amenity, due to the size and mass of the buildings concerned and their separation distance from each other.</p> <p>Occupiers of the proposed and existing properties would not be subject to an overlooking effect, which would harm their residential amenity due to the views that would be possible from openings and vantage points.</p>

Flood Risk	The proposal, subject to the imposition of the recommended condition, would not result in an increase in flood risk.
Highway safety	The proposal, subject to the imposition of the recommended conditions, would not have a severe detrimental effect on road safety.

5.0 Description of Site

The application site, which can be found to the northeast of Cow Lane in Poyntington, accommodates a barn and polytunnels. Established hedging runs along each side of Cow Lane. The small, rural, settlement of Poyntington can be found to the southeast of the site. Reasonably sized, detached dwellings can be found to the east, northwest and south of the site. Agricultural fields are a notable characteristic of the area.

6.0 Description of Development

It is proposed to demolish an existing barn and seven, existing, polytunnels and to construct two detached dwellings. It is also proposed to construct two outbuildings, both, comprising of a double garage and a store.

7.0 Relevant Planning History

WD/D/16/001545 -Change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development

WD/D/16/002117 -Change of use of agricultural building to a dwellinghouse and for associated operational development

WD/D/18/000056 - Decision: Refused - Decision Date: 08/05/2018
Pre-application consultation - Demolition of Barns (some of which has prior approval for conversion) and replacement dwelling

WD/D/18/002352 - Decision: Refused - Decision Date: 20/02/2019
Conversion of Barn to Dwelling with Ancillary Works and Demolition of Remaining Barn Structures

WD/D/19/002614 - Decision: Granted - Decision Date: 27/01/2020
Conversion of agricultural building to residential dwelling, demolition of remaining barn structures & ancillary works.

WD/D/20/002489 - Decision: Granted - Decision Date: 12/03/2021
Erection of dwelling parking and ancillary works, following the demolition of agricultural barns

P/VOC/2021/01834 - Decision: Granted - Decision Date: 21/09/2021

Erection of dwelling, parking and ancillary works, following the demolition of agricultural barns (with variation of condition 1 of planning permission WD/D/20/002489 to amend approved plans)

P/PAAC/2021/05205 - Decision: Granted - Decision Date: 25/01/2022

Change of use and conversion of agricultural buildings to two dwellings (Class C3)

P/VOC/2022/03406 - Decision: Granted - Decision Date: 01/08/2022
Erection of dwelling, parking and ancillary works, following the demolition of agricultural barns (with variation of Condition 1 of Planning Permission No. P/VOC/2021/01834 to amend approved plans).

8.0 List of Constraints

Poyntington Conservation Area - Distance: 59.99

Landscape Character - Limestone Hills and Sherborne Hills - Distance: 0

Areas Susceptible to Groundwater Flooding- Distance: 0

Somerset Levels Hydrological Catchment - Distance: 0

SSSI impact risk zone - Distance: 0

SSSI (5km buffer) - Holway Hill Quarry - Distance: 1134.7

SSSI (5km buffer) - Laycock Railway Cutting - Distance: 3188.66

SSSI (5km buffer) - Sandford Lane Quarry - Distance: 2877.49

SSSI (5km buffer) - Frogden Quarry - Distance: 1785.32

SSSI (5km buffer) - Miller's Hill, Milborne Wick - Distance: 1584.5

SSSI (5km buffer) - Goathill Quarry - Distance: 3417.97

Minerals and Waste Safeguarding Area - ID: 0 - Distance: 0

Minerals and Waste - Building Stone - Name: 0.0 - Distance: 0

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

1. DC - Highways

No objection subject to the imposition of conditions on any permission.

2. Dorset Council - Minerals & Waste Policy

Although the proposed development is within the Mineral Safeguarding Area as designated by Policy SG1 of the Mineral Strategy 2014, it is within an existing

curtilage and also within an urban area and as such Dorset Council as minerals/waste planning authority can confirm that in this case, on the site identified for this proposal, minerals and waste safeguarding requirements are waived and no objection will be raised to this proposal on mineral or waste safeguarding grounds

2. Poyntington PC

Poyntington Parish Council objected to this application for the following reasons.

The proposed 2 new properties are totally out of character with the surrounding landscape being much larger than other surrounding buildings in the village and will dominate views from other properties.

The Parish Council believes that building smaller more affordable properties on the same site would be more beneficial in providing much needed affordable accommodation for families who work locally and who would also occupy them all the time.

It cannot be sustainable to build such large properties for single households. The approved permitted development allows for conversion of an existing building which would use far less material and have less negative impact on the environment and landscape.

4. Wessex Water

No objection.

5. DC – Engineer

Verbally expressed on 12/12/2023 - A conceptual surface water drainage strategy should be submitted.

6. DC - Trees (North West Weymouth)

No objection subject to the imposition of conditions on any permission.

7. Natural England

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

Representations received

Total - Objections	Total - No Objections	Total - Comments
10	0	

The authors of the statements of objection, to the proposed development, expressed, in their statements, concerns that the proposed development would:

harm the appearance of the area, take place in an unsustainable location, and have a disproportionate impact on the amenity and quiet enjoyment of residents close by.

References, in the statements, were also made to: unacceptable biodiversity measures; works that have taken place; and future applications.

The consideration that a limited number of semidetached or terraced dwellings, in the form of affordable housing, being more appropriate for the site was also expressed. A consideration that the loss of the polytunnels would prevent the dwelling at Mushroom Farm functioning as part of a mushroom growing business was submitted.

The statement that none of the land to which the application relates is, or is part of, an agricultural holding, was referred to as being incorrect.

10.0 Duties

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant Policies

West Dorset, Weymouth & Portland Local Plan 2011-2031 (2015)(Local Plan)

Policy INT1 – Presumption in favour of sustainable development

Policy ENV1 – Landscape, seascape and sites of geological interest

Policy ENV2 – Wildlife and Habitats

Policy ENV5 – Flood Risk

Policy ENV10 – The Landscape and Townscape Setting

Policy ENV12 – The Design and Positioning of Buildings

Policy ENV16 – Amenity

Policy SUS2 – Distribution of development

Policy COM7 – Creating a safe and efficient transport network

Policy COM9 – Parking standards in new development

Policy COM10 – The provision of utilities service infrastructure

National Planning Policy Framework 2023

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well designed beautiful places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Other material

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

Given the nature of the site and the nature of the proposed development it is considered that the proposal would not have implications for those with a protected characteristic.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Employment created during the phases of the development.	<p>The proposal would require a modest amount of labour from the construction industry during the phases of development.</p> <p>The spending of wages, earned during the phases of development, by those employed, would benefit the economy.</p>
The purchasing of materials and products for the development	The purchasing of materials and products, for the development, would benefit the economy.
Expenditure by residents of the proposed dwellings	The proposed dwellings would house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers.
Non Material Considerations	

Community Infrastructure Levy (CIL)	The charge would be based on the adopted charging schedule of the West Dorset Area.
Council Tax payments	These payments would be based on the value of the properties.

15.0 Environmental Implications

The construction of the dwellings would have a carbon footprint. The production of materials and the transportation of materials would contribute to this footprint.

The occupation of the dwellings would create a carbon footprint. Energy from non-renewable sources would be consumed. It is inevitable that journeys to and from the site would be made by vehicles. Vehicles which use internal combustion engines and battery electric vehicles have carbon footprints.

It is proposed to install solar panels on the southwest facing roof slopes of the proposed dwellings.

Sustainability measures could be incorporated into the development.

There would be a requirement for the buildings to meet the requirements of building regulations, which among other things, require energy efficiency standards to be met.

16.0 Planning Assessment

Principle of development

Policy SUS2 of the local plan sets out the spatial strategy for the location of new development for the period to 2031. Based on sustainable development principles, it seeks to direct development towards the most sustainable locations.

It is identified, in policy SUS2, amongst other things, that: the main towns of Dorchester and Weymouth will be the highest priority location for new development; elsewhere in the plan area, the market towns of Beaminster, Bridport, Lyme Regis, Portland, Sherborne and Crossways will be a focus for future development; development in rural areas will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement; and that settlements with no defined development boundary may also have some growth to meet their local needs. Part (iii) of policy SUS2 identifies, amongst other things, that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. This part of the policy goes on to list the types of development that would, in principle, be acceptable, in the countryside.

The application site of application P/FUL/2022/02416 is identified, on the policies map of the development plan, as forming part of the countryside. In application P/FUL/2022/02416, it is proposed, amongst other things, to construct two unrestricted dwellings, within the application site. The construction of unrestricted dwellings in the countryside is not listed, in policy SUS2, as a type of development

that would, in principle, be acceptable, in the countryside. The proposal is clearly in conflict with policy SUS2.

The application site, by reason of its location, which is remote from services and facilities, does not represent a sustainable location for the construction of two unrestricted dwellings. By virtue of its location and nature, the development would be unsustainable.

The principle of development, by reason of the location of the application site, in the countryside, and the proposed construction of dwellings, is not supported by policy SUS2.

Fallback

The fallback test, as set out in *R v Secretary of State for the Environment and Havering BC (1998)*, requires: A comparison to be made between the proposed development and the fallback development; an establishment of whether there is a lawful ability to undertake such a use; and an establishment of whether there is a real likelihood or real prospect of such occurring.

The Class Q fallback position is covered in case law - *Mansell vs Tonbridge and Malling Borough Council (2017)*. It was established that the basic principle is that for a prospect to be a real prospect, it does not have to be probable or likely, a possibility will suffice.

Under P/PAAC/2021/05205 it was determined that the conversion of an agricultural building within the application site of P/FUL/2022/02416 to two dwellings would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and that prior approval should be granted in accordance with the condition set out in paragraph Q.2 (1) of the GPDO.

This development to provide two dwellings could possibly, legally, take place. It therefore constitutes a Class Q fallback position. The fallback amounts to an important material consideration.

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

A comparison of the effect of a proposal against the effect of other development that could lawfully take place is important. It may be established that a fallback position represents a less desirable development or that there is not a noticeable difference between two proposals. The following provides a comparison of the effect of the proposal against the effect of the development that could lawfully take place.

Seven existing polytunnels would remain in situ as part of the fallback position. The existing barn would be converted into two dwellings as part of the fallback position.

The materials of the walls of the barn include concrete blocks, concrete panels, corrugated metal sheets and timber boards. The roof of the barn has been constructed out of corrugated concrete roof sheets. The polytunnels have been constructed out of a green plastic. The walls of the dwellings permitted under P/PAAC/2021/05205 would be constructed out of stone and timber panels. The roof of the barn would be retained.

Rather than carry out the permitted conversion, it is proposed to construct dwelling 2 out of cedar cladding and natural local stone under zinc, or similar, and red double roman tile roofs. It is proposed to construct dwelling 1 out of cedar cladding and natural local stone under zinc, or similar, red double roman tile, and natural slate roofs. The proposed dwellings include two-storey and single-storey elements.

It is proposed to construct the two outbuildings out of grey bricks and timber cladding under red clay double roman tile roofs. The outbuildings also include anthracite grey roller doors.

The proposed dwellings would occupy an area of land between a residential dwelling to the east and a residential dwelling to the north west. The proposed dwellings and their associated outbuildings and gardens would relate well to the dwellings which can be found to the east and northwest.

It is submitted in the Planning Statement, which has been submitted as part of the application, which is the subject of this report, that: the gross internal area of the existing barn and poly tunnels is 1,881.3m²; the volume of the existing barns and polytunnels is 5,992m³; the gross internal area of the proposed development is 883.2; and that the volume of the proposed development is 3,928.5m³. It is concluded that the gross internal area of buildings, within the application site, would be reduced by 998.1m² and that the volume of buildings on the site would be reduced by 2,063.5m³ compared to the fallback position of the permitted conversion.

The existing structure, which was the subject of P/PAAC/2021/05205, is of a bulky design. This structure would continue to form part of the area as part of the fallback position. In contrast, the mass of the proposed dwellings would be broken up by single and two storey-elements. The development which is proposed under P/FUL/2022/02416 would result in the removal of the bulky structure and the development of buildings of a less bulky design. The case officer considers this to result in a visual enhancement to the area's appearance.

The development which is proposed under P/FUL/2022/02416, by reason of: the reduction in the volume of the built form; the replacement of a bulky structure with structures of a less bulky design; the use of roof materials which would be more attractive than the plastic green and concrete panels of the fallback position, when compared to the fallback position, would represent an overall enhancement to the appearance of the area.

The proposed dwellings, by reason of their design, mass and scale, would be visually attractive and sympathetic to local character. The proposed soft landscaping, due to its scale and positioning, would be sympathetic to the area's character. It is therefore considered that the proposal meets the requirements of

policies ENV1, ENV10 and ENV12 of the Local Plan, of which, all, seek, among other things, to achieve well-designed places. In the interest of the character and appearance of the area, it is recommended that conditions, relating to landscaping and materials, should be imposed on any permission.

Nutrient Neutrality

The Somerset Levels and Moors are designated as a Special Protection Area under The Conservation of Habitats and Species Regulations 2017 (as amended) and are listed as a Ramsar Site under the Ramsar Convention. The Somerset Levels and Moors habitat site is in an unfavourable condition due to high levels of phosphorus. The phosphorus causes eutrophication. Development should not result of an increase in phosphorus entering, and causing harm to the integrity of, the habitat site. The application site falls within the Somerset Levels and Moors hydrological catchment. It is therefore necessary for the proposed development, by reason of its nature, to demonstrate that it would not harm the integrity of the habitat site.

It is proposed to plant a 0.9ha woodland and to install package treatment plants to serve the proposed dwellings. It has been demonstrated, in the submitted material, that the proposal would not harm the integrity of the habitat site.

It is recommended that conditions, relating to package treatment plants, should be imposed on any permission, in order to ensure that the development would not harm the integrity of the habitat site.

A, draft, unilateral undertaking, concerning the establishment and management of the area of woodland, has been submitted.

The mitigation outlined above does not form part of the fallback. Therefore, in terms of biodiversity, the fallback represents a less favorable development.

Biodiversity

A document, certifying that the Biodiversity Plan submitted by the applicant, has been approved by the Dorset Natural Environment Team, has been received. In the interest of biodiversity, it is recommended that a condition, relating to the adherence to the Biodiversity Plan, should be imposed on any permission.

It is therefore concluded that, subject to the imposition of the conditions referred to, the proposal would accord with policy ENV2 which seeks, among other things, to ensure that biodiversity is conserved or enhanced.

As noted above, section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, having regard to the above, it is considered that the conflict with the development plan in respect of the location of the proposal is outweighed by the potential benefits to the character and appearance of the area and biodiversity.

It is therefore considered that the proposal would provide a betterment over and above the development granted under P/PAAC/2021/05205.

It is proposed to site one of the proposed dwellings and an outbuilding in a location which would prevent the implementation of the two dwellings granted under P/PAAC/2021/05205.

Living conditions

Occupiers of the proposed and existing dwellings would not be subject to an overbearing effect, which would harm their residential amenity, due to the size and mass of the buildings concerned and their separation distance from each other.

Occupiers of the proposed and existing properties would not be subject to an overlooking effect, which would harm their residential amenity due to the views that would be possible from openings and vantage points.

The proposal would accord with policy ENV16 which seeks to ensure that development proposals would not have a significant adverse effect on the living conditions of the occupiers of properties.

Flood Risk

Policy ENV5 requires new development to be planned to avoid risk of flooding where possible.

In the interest of preventing an increase in flood risk, a drainage engineer, of the Council, recommended that a condition, relating to drainage, should be imposed on any permission. In the interest of preventing an increase in flood risk, it is recommended that such a condition should be imposed on any permission.

Subject to the imposition of the recommended condition it is considered that the proposal would comply with policy ENV5.

Contamination

Given the historic use of the site, in order to ensure that risks from contamination are minimised, it is recommended that a condition, relating to contamination, is imposed on any permission.

Highway safety

It is identified in part (iv) of Policy COM7 that, development will not be permitted unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions.

Subject to the imposition of conditions, relating to: the vehicle access; visibility splays; and manoeuvring and parking areas, on any permission, the Highways

Engineer, of the Council, did not object to the proposal on the grounds that it would have a severe detrimental effect on road safety.

In the interest of highway safety, it is recommended that the conditions, which have been recommended by the Highways Engineer, should be imposed on any permission.

It is therefore concluded that the proposal, subject to the imposition of the recommended conditions, would not have a severe detrimental effect on road safety and therefore complies with Policy COM7.

Agricultural holding

Certificate A has been completed. By completing Certificate A, the applicant certifies that on the day 21 days before the date of the application nobody except themselves was the owner of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding.

In the comments of third parties, the reference to agricultural holding was questioned.

Agricultural holding has the meaning given by reference to the definition of agricultural tenant in section 65(8) of The Town and Country Planning Act (as amended). This definition reads as follows:

“agricultural tenant”, in relation to any land, means any person who—

(a) is the tenant, under a tenancy in relation to which the Agricultural Holdings Act 1986 applies, of an agricultural holding within the meaning of that Act any part of which is comprised in that land; or

(b) is the tenant, under a farm business tenancy (within the meaning of the Agricultural Tenancies Act 1995), of land any part of which is comprised in that land

The application should progress to be determined on the grounds that the correct certificate has been completed.

17.0 Conclusion

The location of the development in the countryside conflicts with the spatial strategy which seeks to locate development in sustainable locations. However, the case officer considers that there are material considerations in this instance which indicate that the development should be permitted. Prior approval has been granted for the conversion of the existing barn to two dwellings. This is considered to be a fallback position in terms of the acceptance of the location for the proposed dwellings, as this already has permission through the approval of the permitted development application. This application would provide a reduced scale in sections of the new building through breaking up the mass compared to the existing agricultural building. It would also result in a better design over the more utilitarian conversion, with higher quality materials and an improved layout that would better relate to the existing development.

For the reasons given it is concluded that that the proposal should be granted subject to the conditions below and subject to the receipt of an acceptable unilateral undertaking under section 106 of the Town and Country Planning Act 1990 (as amended).

18.0 Recommendation

Recommendation A: **GRANT**, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

- Secure a 0.9ha woodland managed in the long term
- Monitoring fee of £1,510

And the conditions (and their reasons) listed at the end of the report.

Recommendation B; Refuse permission for failing to secure the obligations above if the agreement is not completed by (31 August 2024) or such extended time as agreed by the Head of Planning.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following material:

715/01 P2 – Received 23/11/2022

715/02 P1 - Received 23/11/2022

13205/001 B – Received 23/11/2022

13205/003 C - Received 23/11/2022

13205/004 A - Received 23/11/2022

13205/005 A - Received 23/11/2022

13205/006 A - Received 23/11/2022

13205/007 - Received 23/11/2022

13205/008 - Received 23/11/2022

13205/009 - Received 23/11/2022

13205/011 A - Received 14/02/2024

097 210 – Received 07/07/2023

13205/G1 A - Received 19/03/2024

13205/G2 A - Received 19/03/2024

Ecological Impact and Phosphates Assessment – Received 27/03/2024

Tree and planting schedules – Received 12/07/2023

Landscape Maintenance and Management Plan – Received 07/07/2023

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The measures set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team, on 28/03/2024 must be strictly adhered to. The dwellings hereby approved must not be occupied until the measures detailed in the approved biodiversity plan have been completed in full and evidence of compliance, in accordance with section J of the approved Biodiversity Plan, has been supplied to the Local Planning Authority. Thereafter, the approved measures must be permanently maintained and retained in accordance with the approved details.

Reason: In the interest of biodiversity.

4. Prior to the commencement of any development, hereby approved, above damp proof course level, details of all external facing materials for the walls and roofs of the buildings shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

5. Prior to the occupation of the development, hereby approved, the existing agricultural structures on the site shall have been demolished and all arising materials shall have been removed from the site.

Reason: In the interest of visual amenity.

6. Prior to the occupation of the development, hereby approved, the first 5.0m of the vehicle access', measured from the rear edge of the highway (excluding the vehicle crossing), shall have been laid out and constructed to a specification which shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interest of highway safety.

7. Prior to the use of the development hereby approved the visibility splay areas as shown on the approved drawings must have been cleared/excavated to level not exceeding 0.6m above the relative level of the adjacent carriageway. Thereafter, the visibility splay areas must be maintained and kept free from obstruction in perpetuity.

Reason: In the interest of highway safety.

8. Prior to the occupation of the development hereby approved the turning/manoeuvring and parking areas shown on the approved plans must have been constructed. Thereafter, these areas must, in perpetuity, be maintained, kept free from obstruction, and made available for the turning/manoeuvring and parking of vehicles.

Reason: In the interest of highway safety.

9. In the event that unidentified contamination is found during the construction phase of the development, hereby approved, work shall cease and the contamination shall be reported to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of BS10175 (as amended). Should contamination, requiring remediation be found, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Measures identified in the approved remediation scheme shall be completed. Prior to the recommencement of work, a verification report shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

10. Prior to the commencement of any development, hereby approved, an Arboricultural Method Statement (AMS), prepared by a qualified tree specialist, providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development, must have been submitted to, and approved in writing by the Local Planning Authority. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following: a) a specification for protective fencing to trees and hedges which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing; b) a schedule of tree work conforming to BS3998; c) details of the area for storage of materials, concrete mixing and any bonfires; d) plans and particulars showing the location of any proposed soakaway or water or sewage storage facility; e) details of any no-dig specification for all works within the root protection area for retained trees; f) details of the supervision to be carried out by the developers tree specialist.

Reason: In the interest of the appearance of the area.

11. Prior to the commencement of any development, hereby approved, details of planting times of trees, trees species and tree sizes shall have been submitted to, and approved in writing by, the Local Planning Authority. All tree planting shall be carried out in accordance with the approved details.

Reason: In the interest of the appearance of the area.

12. If within a period of ten years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the tree it replaces.

Reason: In the interest of the appearance of the area.

13. Prior to the commencement of any development, hereby approved, above damp course level, a schedule of landscape maintenance covering a minimum period of ten years following substantial completion of the development (including details of the arrangements for its implementation) shall have been submitted to, and

approved in writing, by the Local Planning Authority. The subsequent maintenance of the development's landscaping shall accord with the approved schedule.

Reason: In the interest of the appearance of the area.

14. Prior to the commencement of any development, hereby approved, details of the finished floor levels of all of the buildings hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

15. Prior to the commencement of any development hereby approved, above ground level, a detailed surface water management scheme for the site, shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby approved the approved detailed surface water management scheme shall have been implemented in accordance with the approved details. The surface water management scheme shall be maintained in perpetuity.

Reason: In the interest of the proper development of the site

Informative Notes:

1. This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

2. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

3. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways, by telephone on 01305 221020, by email at

dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

4. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 3.